

UNITED STATES DISTRICT COURT

70-C-51

TITLE OF CASE

ATTORNEYS

VS

For plaintiff:

C. D. Tomlins 746-3131
Box 310
Bixby, Okla. 74008

For defendant: *582-61*
Dan Wagner
 Alfred B. Knight
 212 Beacon Building
 Tulsa, Oklahoma 74103

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 3-1-70	Clerk	1970			
		2-13	Walker	15 00	
		2-19-70	C/D 36		15 00
J.S. 6 mailed 5-1-70	Marshal	4026-71	Walker.	5 00	
		4-29-71	C.D.No.48		5 00
Basis of Action: Breach of insurance policy	Docket fee				
	Witness fees				
Action arose at: Tulsa	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-13-70	Complaint filed and summons issued. copy mailed to Joe B. Hunt, insurance commissioner, by certified mail, No. 434742. ds	
2-17-70	Return on service of summons filed. Receipt for certified mail from Joe B. Hunt, No. 434742 received 2-17-70. ds	
3-6-70	Answer, filed. m	
3-12-70	Plaintiff's interrogatories to deft, filed. m	
3-12-70	Request for admissions of fact under Rule 36, filed. m	
3-20-70	Answers to Request for Admissions of Fact Under Rule 36, by deft. filed. js	
3-20-70	Response to the Application of Plaintiffs for atty fee as against the deft. AAA Enterprises, Inc., and Brief in Support, filed. js	
3-26-70	Defendant's answers to interrogatories, filed. g	
4-7-70	Parties directed to hold pre-trial prior to 5-11-70 and file pre-trial order not later than 5-18-70. (AEB-J)m	
5-5-70	Motion for S/J of Paul B. Leggett, LeRoy Hopkins and Ralph Pretti, d/b/a One-Hour Martinizing, filed. m	
5-5-70	Brief in support of motion for S/J, filed. m	
5-5-70	Ordered that counsel for Home Indemnity Co. respond with brief to above motion for S/J within 10 days. (AEB-J)m	
5-7-70	Answer of Paul B. Leggett, filed. g	
5-13-70	Answer of LeRoy Hopkins & Ralph Pretti, dba One-Hour Martinizing, filed. g	
5-13-70	Home Indemnity Company granted 5 days additional time to file responsive brief. (AEB-J) e	
5-20-70	Answer brief of Home Indemnity to motion for summary judgment, filed. g	
5-21-70	Motion for S/J of Home Indemnity Company, filed. m	
5-21-70	Brief in support of motion for S/J of Home Indemnity Company, filed. m	
5-21-70	Home Indemnity's request for admission of facts and genuineness of documents, filed. m	
5-21-70	Ordered that LeRoy Hopkins and Ralph Pretti, d/b/a One-Hour Martinizing, and Paul B. Leggett file responsive brief to motion for S/J of Home Indemnity Company within 10 days. (AEB-J)m	
5-25-70	Home Indemnity's Request for Admission of Facts and Genuineness of Documents, filed. js	
6-1-70	Answer brief of LeRoy Hopkins and Ralph Pretti, d/b/a One-Hour Martinizing to Motion for Summary judgment of Home Indemnity company filed. b	
6-1-70	Answer of Ralph Pretti and LeRoy Hopkins to request for admission of facts and genuineness of documtns, filed. b	
6-1-70	Home Indemnity's Request for admission of facts and genuineness of documents, filed. m	
6-2-70	Plaintiff's answers to request for admission of facts and genuineness of documents, filed. g	
6-2-70	Leggett's answer brief and reply to Home's answer brief, filed. g	
6-8-70	Response of Paul B. Leggett to Home Indemnity's request for admissions, filed. ds	
6-9-70	Answer of Ralph Pretti and LeRoy Hopkins, defendants to request for admission of documents, filed. b	
10-20-70	Hearing held. Motion for S/J of LeRoy Hopkins and Ralph Pretti d/b/a One-Hour Martinizing and Paul B. Leggett is overruled. Motion for S/J. of Home Indemnity Co. if overruled, and case is ready for jury trial. (AEB-J)h	
11-10-70	Pre-trial order, filed. (AEB-J)m (copies mailed)	
11-30-70	Stipulation of parties for waiver of Jury Trial, Filed. v	
2-5-71	Case set for non-jury trial at 10:00 a.m. 3-18-71 (AEB-J)m	

(continued)

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
3-1-71	Memorandum trial brief of attys. for Paul B. Leggett, filed. m	
3-11-71	Stipulation of parties as to exhibits, filed. ds	
3-11-71	Memorandum trial brief of Home Indemnity Company, filed. g	
3-18-71	Case called for trial by court. Supplement to Trial Brief of Home Indemnity Co. filed. and Leggett's Reply to Home Indemnity Co's Memorandum Trial Brief filed. Court takes ruling under advisement. (AEB-J)h	
3-18-71	Exhibits filed. h	
3-24-71	Returns on subpoena, filed. Served Dale McCart in Okla. City, Okla. on 3-17-71; served Jack Baird in Okla. City on 3-17-71. (Fees: \$8.44)m	
4-2-71	Findings of Fact and Conclusions of Law, filed. js	
4-2-71	Judgment filed and entered. It is ordered that judgment is rendered for the defendant Home Ind. Co. incase # 70-C-53, and in 70-C-51 finds allegations of Plaintiffs' complaint are not supported by the evidence, and judgment rendered for the defendant also. It is further adjudged that said plaintiffs are enjoined and restrained from prosecuting any action or claim against defendant, and further that Home Ind. Co. def. recover its costs from the said plaintiffs herein in each of said consolidated actions. (AEB-J)h copies mailed.	
4-26-71	Notice of appeal by plaintiffs, filed. cpies to USCA, Dan Wagner & Alfred B. Knight. g (as consolidated with 70-C-53)	
4-26-71	Bond on appeal, Mid-Continent Casualty Co., surety, filed. g	
4-26-71	Designation of record on appeal, filed. (consolidated)	
4-29-71	Transcript of trial proceedings, filed. (LEM-CSR)g	
5-6-71	Cross-designation of record on appeal, filed. g	
5-12-71	Appeal record (4 vols.) sent to USCA, Denver. g	
8-11-72	Mandate & Opinion of USCA, affirming judgment of 4-2-71, filed and spread of record. g	
8-14-72	Appeal record (4 vols.) received from USCA. g	

DATE	PROCEEDINGS	Date Order or Judgment Noted